

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SABRINA MUHAMMED,

Plaintiff,

VS.

OFFICE OF REGISTRATION AND
ACADEMIC RECORDS, *et al.*,

Defendants.

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CIVIL ACTION NO. H-11-015

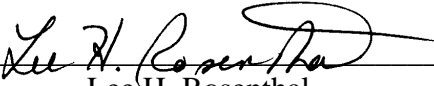
ORDER

The plaintiff filed a Motion on Wrongful Dismissal, in which she asks this court to reconsider the order dismissing this suit on the basis that it was duplicative of a previously filed suit she had filed against the University of Houston, a department of which is named as the defendant in the present case. The motion seeks reconsideration. A motion for reconsideration under Federal Rule of Civil Procedure 59(e) “should not be granted unless there is: (1) an intervening change in controlling law; (2) the availability of new evidence not previously available; [or] (3) the need to correct a clear error of law or fact or to prevent a manifest injustice.” *Brown v. Mississippi Co-op Extension Service*, 89 Fed. Appx. 437, 439 (5th Cir.2004) (citing *Schiller v. Physicians Resource Group, Inc.*, 342 F.3d 563, 567 (5th Cir.2003)). None of these factors warrants reconsideration here. Both complaints arise out of the same set of facts, the plaintiff’s conviction on a misdemeanor charge that she alleges was based on information and testimony provided by a University of Houston employee, Dr. Libby Barlow, who is with the Office of Registration and Academic Records. Both complaints allege that Dr. Barlow’s and the University’s actions violated the Family Educational Rights and Privacy Act (FERPA). In the more recent case, the plaintiff added claims that the

University had committed other violations of the statute. These added claims are so closely related to the claims raised in the earlier case as to require the plaintiff to seek to raise them in that case. The dismissal of the present case is without prejudice.

The Motion on Wrongful Dismissal, (Docket Entry No. 8), is denied.

SIGNED on May 23, 2011, at Houston, Texas.



Lee H. Rosenthal
United States District Judge